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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
09/922,062	08/02/2001	Christoph A. Aktas	2001 P 13667 US	7581								
7590 03/16/2007												
Siemens Corporation Attn: Elsa Keller, Legal Administrator Intellectual Property Department 186 Wood Avenue South Iselin, NJ 08830		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">PATEL, ASHOKKUMAR B</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2154</td><td></td></tr></table>			EXAMINER		PATEL, ASHOKKUMAR B		ART UNIT	PAPER NUMBER	2154	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Examiner-Initiated Interview Summary

Application No.

09/922,062

Applicant(s)

AKTAS ET AL.

Examiner

Ashok B. Patel

Art Unit

2154

All Participants:

(1) Ashok B. Patel.

(2) David Chung.

Status of Application: _____

(3) _____

(4) _____

Date of Interview: 8 March 2007

Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Corelated Application, 09/863, 935

Claims discussed:

1

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Prior art documents discussed:

None

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

Non-Statutory Double Patenting (Please see the attached Sheet).

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-3 and 5-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 7-11 and 15 of U.S. Patent to be issued for the Application No. 09/863, 935. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim limitation includes summarization means reduces messages to a list of keywords from a plurality of lists of keywords, each keyword of each list being selectable by a user, said list of keywords applied to the stored message being based upon a sender of a message.